

#497
BILL NO. G-92-02-21

GENERAL ORDINANCE NO. G-19-92

1
2
3 AN ORDINANCE for the purpose of
vacating a dedicated utility easement.

4
5 WHEREAS, a petition to vacate a dedicated utility
6 easement within the City of Fort Wayne (as more specifically
7 described below) was duly filed with the City Planning
8 Commission; and

9 WHEREAS, said Commission duly held a public hearing
10 thereon; and

11 WHEREAS, said Commission has duly forwarded its
12 recommendation to this body approving said petition, all in
13 accordance with I.C. 36-7-4-512(2) and this body having held
14 a public hearing on said vacation as provided in I.C. 36-7-4-
15 12; and

16 WHEREAS, this body concurs in the recommendation of the
17 City Planning Commission.

18 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
19 THE CITY OF FORT WAYNE, INDIANA:

20 SECTION 1. That the petition filed herein to vacate a
21 dedicated utility easement within the City of Fort Wayne, more
22 specifically described as follows, to-wit:

23 The west 5 feet of the south 148 feet of Lot 183 in
24 Waynedale Gardens Second Addition, as recorded in the
plat thereof in the Office of the Recorder of Allen
County, Indiana.

25 and which vacating allows the dedicated utility easement to
26 revert to the ownership of the adjacent property owners.

27 SECTION 2. That this Ordinance shall be in full force
28 and effect from and after its passage, any and all necessary
29 approval by the Mayor.

30 C. R. Edmund
31 COUNCILMEMBER
32

#497
APPROVED AS TO FORM AND LEGALITY:

1 J. Timothy McCaulay
2 J. TIMOTHY MCCAULAY, CITY ATTORNEY

3 ** Public hearing to be held on _____,
4 the _____ day of _____, 1992,
5 in the Council Chambers.

6
7 _____
8 Sandra E. Kennedy, City Clerk
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Read the first time in full and on motion by Edmonds, seconded by Silvers, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: 2-25-92

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Edmonds, seconded by _____, and duly adopted, placed on its passage. PASSED ~~lost~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>9</u>			
BRADBURY	<u>✓</u>			
EDMONDS	<u>✓</u>			
GiaQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 4-14-92

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. 2-19-92 on the 14th day of April, 1992

ATTEST:
Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

(SEAL)
Thomas P. Henry
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of April, 1992, at the hour of 1:30 o'clock P., M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 16th day of April, 1992, at the hour of 9:00 o'clock A, M., E.S.T.

12666
PAUL HELMKE, MAYOR

From the Desk of:

Pat Biancaniello

3-30-92

AGENT:

David Meyer
2702 Witchwood Dr
City 09

PHONE: 747-0132

RECEIPT

No 10877

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IND.,

1-13 1992

RECEIVED FROM

David Meyer

\$

100.00

THE SUM OF

one hundred & 00/100

DOLLARS

ON ACCOUNT OF

2402 W. Wilburwood Ave
Ctively Rosemont

3140

PAID BY: CASH ☐ CHECK ☒ M.O. ☐

AUTHORIZED SIGNATURE

TAB 12

Date Filed: January 9 1992

Vacation Petition

I/We David & Kathleen Meyer
(Applicant's Name or Names)

PETITION TO VACATE Utility easement
(Street, Alley, Utility Easement, Plat,
Other)

TO: THE CITY PLAN COMMISSION
CITY OF FORT WAYNE, INDIANA

The undersigned petitioner(s), do (does) hereby respectfully
petition the Fort Wayne City Plan Commission to vacate the
following Utility easement with the City of Fort
Wayne, Indiana, and hereby described as follows:

The west 5 feet of the south 148 feet of Lot 183
in Waynedale Gardens Second addition, as recorded in the
plat therof, in the Office of the Recorder of Allen
County, Indiana
(Legal Description of property being vacated) If additional
space is needed use reverse side.)

In support thereof, your petitioner(s) would represent as
follows:

(List reasons for requesting vacation.)

Would like to build an addition on to the west side
of the house on lot 183 that would be across the
easement and onto lot 182

(If additional space is needed use reverse side.)

Your petitioner(s) file this petition pursuant to the authority
granted in Indiana Code, and provisions of local ordinance, in
order to complete the vacation as described.

WHEREFORE, your petitioner(s) pray that the above described
UTILITY EASEMENT be vacated according to the provisions
of the Indiana Law pertaining thereto.

DATED THIS 9 DAY OF JANUARY 19 92

David E Meyer
Adjacent Property Owner
Typed Name
2702 Witchwood Dr 46809
Address Zip
David E Meyer
Signature

David e Meyer
Adjacent Property Owner
Typed Name
2702 Witchwood Dr 46809
Address Zip
David E Meyer
Signature

CERTIFICATE OF SURVEY

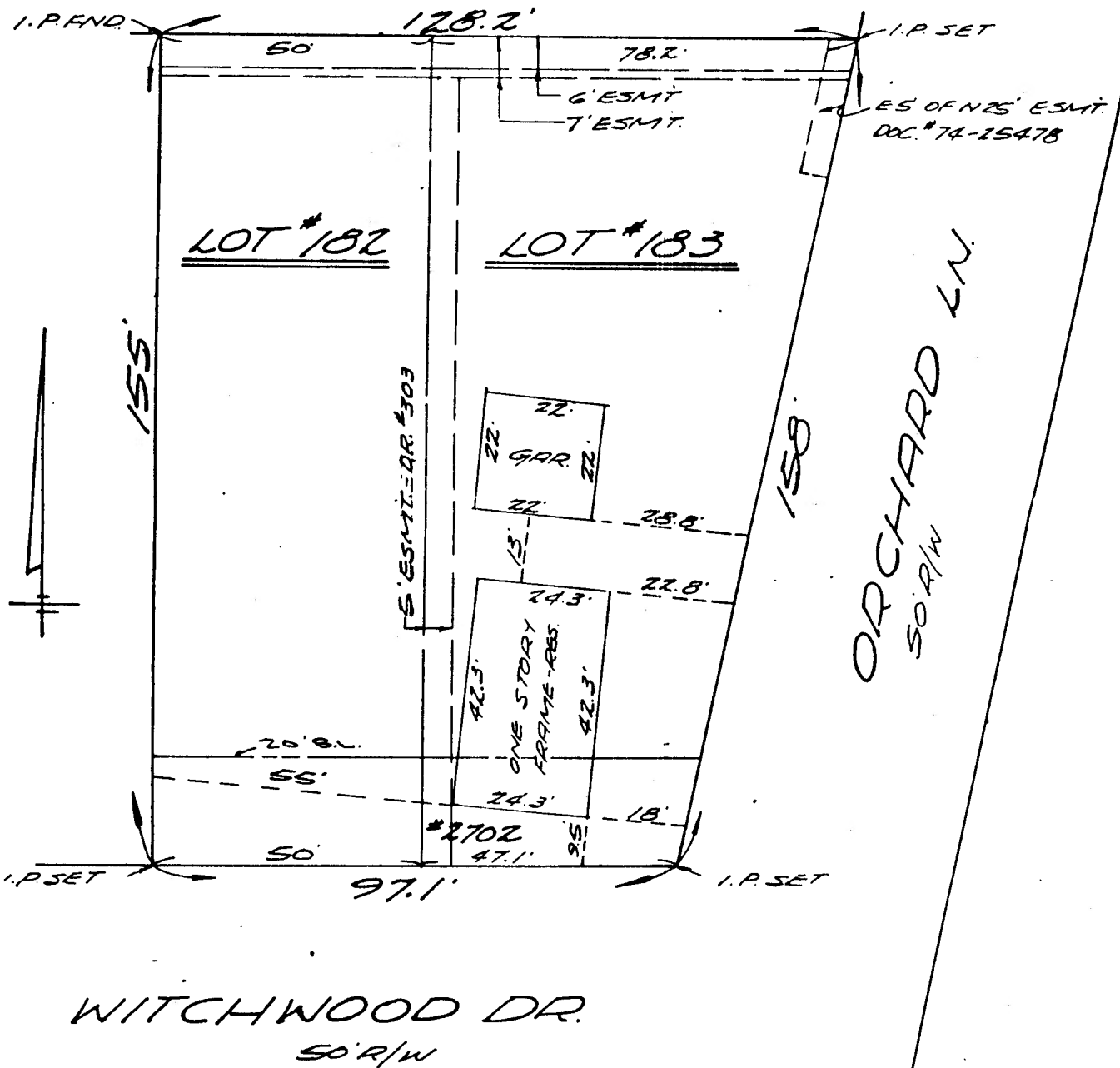
OFFICE OF:

JOHN R. DONOVAN
REGISTERED PROFESSIONAL CIVIL ENGINEER No. 9173 INDIANA
REGISTERED LAND SURVEYOR No. 9921 INDIANA
FORT WAYNE, INDIANA

The undersigned Civil Engineer and Land Surveyor hereby certifies that he has made a resurvey of the real estate shown and described below.

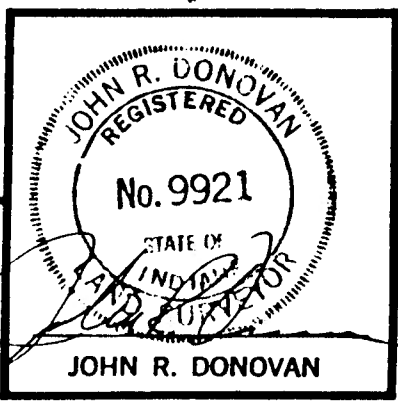
Measurements were made and corners perpetuated as shown hereon, in accordance with the true and established lines of the property described, and in conformity with the records in the office of the County Recorder, ALLEN County, Indiana. No encroachments existed, except as noted below.

The description of the real estate is as follows, to wit: Lot Numbered 182 and Lot Numbered 183 in Wayne-dale Gardens Second Addition as recorded in the plat thereof in the Office of the Re-corder of Allen County, Indiana.



NOTE: According to the FIA Flood Hazard Boundary Maps, the above described real estate is not located in a flood hazard area.

JOB FOR: HOOPENGARDNER-MEYER 10-8-84
REV. 10-9-84
REV. 10-10-84



Division of Community Development & Planning

BRIEF TITLE

Utility Easement Vacation

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

The west 5 ft of the south 148 ft of Lot 183 in Waynedale Gardens Second Addition.

Reason for Project

Proposed addition to the home.

Discussion (Including relationship to other Council actions)

24 February 1992 - Public Hearing

David Meyer, 2702 Witchwood Dr, petitioner, appeared before the Commission. Mr. Meyer stated that he was requesting the vacation in order to build an eighteen (18) foot addition on the west side of his home. He stated that the proposed addition would extend across the easement onto Lot 182.

Mel Smith questioned if the petitioner had read the staff comments.

Mr. Meyer stated he had not seen them.

Mel Smith questioned if he would be willing to comply with the conditions of the staff.

Mr. Meyer stated that he did not know of any utilities occupying the easement other than his own sewer.

There was no one else present who wished to speak in favor of or in opposition to the proposed vacation.

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**

David E. Meyer

City Department

Other

Opponents**Groups or Individuals**

Basis of Opposition

**Staff
Recommendation**

☒ For

☐ Against

Reason Against

**Board or
Commission
Recommendation**

By

☒ For

☐ Against

☐ No Action Taken

☐ For with revisions to condition:
(See Details column for condition)

**CITY COUNCIL
ACTIONS**
(For Council
use only)

☐ Pass

☐ Other

☐ Pass (as
amended)

☐ Hold

☐ Council Sub.

☐ Do not pas

DETAILS

2 March 1992 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS-recommendation.

Of the seven (7) members present, six (6) voted for the motion, one (1) did not vote.

Motion carried.

POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

Date 13 January 1992

Projected Completion or Occupancy

Date 9 March 1992

Fact Sheet Prepared by

Date 9 March 1992

Patricia Biancaniello

Reviewed by

Date

27 MARCH 1992


Reference or Case Number

#494
ORIGINAL

DIGEST SHEET

ORIGINAL

TITLE OF ORDINANCE Utility Easement Vacation

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE Utility Easement Vacation - The west 5 feet of the south
148 feet of Lot 183 in Waynedale Gardens Second Addition.

G-92-02-21

EFFECT OF PASSAGE Property is currently a dedicated utility easement. Property
would be vacated and revert to the ownership of the adjacent property owners.

EFFECT OF NON-PASSAGE Property would remain a dedicated utility easement.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.)) _____

BILL NO. G-92-02-21

REPORT OF THE COMMITTEE ON REGULATIONS

CLETUS R. EDMONDS, CHAIRMAN
JANET G. BRADBURY, VICE CHAIRWOMAN
RAVINE, TALARICO, SCHMIDT

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM
WAS REFERRED AN (ORDINANCE) (~~RESOLUTION~~) for the
purpose of vacating a dedicated utility easement

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

Janet G. Bradbury
Cletus R. Edmonds
Janet J. Talarico
Albee J. Schmidt

DATED:

4-14-92

Sandra E. Kennedy
City Clerk

→

CASE NO. #497

Map No. I - 27
LW 1-28-92

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

RESOLUTION 79-212-12

WHEREAS, DAVID E. & KATHLEEN MEYER have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated utility easement situated in Fort Wayne, Allen County, to-wit:

The west 5 feet of the south 148 feet of Lot 183 in Waynedale Gardens Second Addition, as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated utility easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated utility easement hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated utility easement hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of dedicated utility easement or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

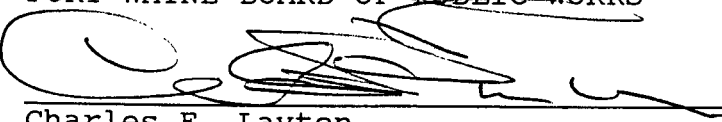
STATE OF INDIANA)

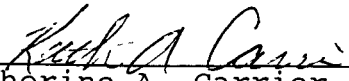
) SS:
COUNTY OF ALLEN)

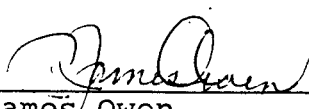
I, Charles E. Layton, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held March 25, 1992 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 25th DAY OF March 1992

FORT WAYNE BOARD OF PUBLIC WORKS


Charles E. Layton
Director of Public Works


Katherine A. Carrier
Member, Board of Public Works


C. James Owen
Member, Board of Public Works

RESOLUTION

WHEREAS, DAVID E. & KATHLEEN MEYER have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated utility easement situated in Fort Wayne, Allen County, to-wit:

The west 5 feet of the south 148 feet of Lot 183 in Waynedale Gardens Second Addition, as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said public hearing was held on February 24, 1992 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated utility easement.

WHEREAS, said vacation of dedicated utility easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated utility easement hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated utility easement hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated utility easement or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated utility easement in Allen County, Indiana.

STATE OF INDIANA))
COUNTY OF ALLEN) SS:

I, Robert Hutner, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held, March 2, 1992 and as the same appears of record in the official records of said Plan Commission.

DATED THIS 4th DAY OF March 1992

FORT WAYNE CITY PLAN COMMISSION

Robert Hutner
Secretary



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

SANDRA E. KENNEDY, CITY CLERK

April 1, 1992

Ms. Connie Lambert
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the date of April 4, 1992, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-92-02-19
Street Vacation

Bill No. G-92-02-21
Utility Easement Vacation

Bill No. G-92-02-22
Utility Easement Vacation

Please send us 3 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 3



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

SANDRA E. KENNEDY, CITY CLERK

April 1, 1992

David Meyer
2702 Witchwood Drive
Fort Wayne, Indiana 46809

NOTICE OF PUBLIC HEARING ON BILL NO. G-92-02-21

You are hereby notified that the Common Council of Fort Wayne will conduct a public hearing on Tuesday, April 14, 1992, at 7:00 P.M. (EST) in the Common Council Conference Room 128, 1st Floor, City-County Building, One Main Street, Fort Wayne, Indiana on the following:

The west 5 ft of the south 148 ft of Lot 183
in Waynedale Gardens second Addition - Proposed
addition to the home

All interested persons are invited to appear and be heard.
Any written material may be submitted to the Common Council
prior to the hearing.

FORT WAYNE COMMON COUNCIL

Sandra E. Kennedy
City Clerk

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. G-92-02-21)

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, April 14, 1992, at 7:00 P.M. (EST) in the Common Council Conference Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:

The west 5 feet of the south 148 feet of Lot 183 in Waynedale Gardens Second Addition, as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana

All interested parties are invited to appear and be heard.

FORT WAYNE COMMON COUNCIL

Sandra E. Kennedy
City Clerk

FW Common Council
(Governmental Unit)

To:

The Journal-Gazette

Dr.

P.O. Box 100

Fort Wayne, IN

County, Indiana

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
-- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

COMPUTATION OF CHARGES

19 lines, 1 columns wide equals 19 equivalent lines
at .33 cents per line

\$ 6.27

Additional charge for notices containing rule or tabular work
(50 percent of above amount)

1.00

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

\$ 7.27

TOTAL AMOUNT OF CLAIM

DATA FOR COMPUTING COST

Width of single column 12.5 ems

Number of insertions 1

Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: April 4, 19 92

Title:

Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)

) ss:

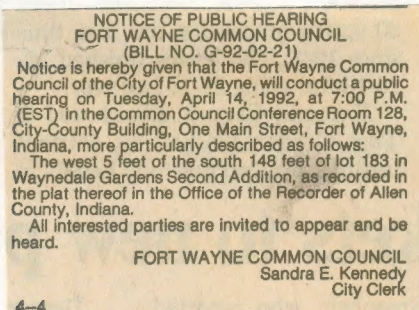
Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned Cindy Gillenwater who, being duly sworn, says that he/she is Clerk of the _____ newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time _____, the dates of publication being as follows:

4/4/92

Subscribed and sworn to before me this 4th day of April, 19 92Notary Public Whitley County, IN
SHELLEY R. LARUE

My commission expires: March 3, 1994



PUBLISHER'S CLAIM

LINE COUNT

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Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: April 4, 1992

Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)
) ss:
Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned Cindy Gillenwater who, being duly sworn, says that he/she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time, the dates of publication being as follows:

4/4/92

Cindy Gillenwater
Subscribed and sworn to before me this 4th day of April, 1992

Notary Public Whitley County, IN
SHELLEY R. LARUE

My commission expires: March 3, 1994

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. G-92-02-21)
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All interested parties are invited to appear and be heard.
FORT WAYNE COMMON COUNCIL
Sandra E. Kennedy
City Clerk